

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

U.S. BANK NATIONAL ASSOCIATION, *et al.*,

Plaintiffs,

Case No. 07-14064

v.

Hon. John Corbett O'Meara

TONACIDA MAJOR,

Defendant.

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**ORDER DENYING DEFENDANT'S  
MOTION TO VACATE**

Before the court is Defendant's motion to vacate the court's October 23, 2007 order of dismissal. Defendant purported to remove this case from state district court. Although the state court papers suggested that this is a landlord-tenant matter, Defendant represents that it involves a mortgage foreclosure. Nonetheless, there is no legal basis upon which Defendant may remove this matter to federal court. See Chase Manhattan Mortgage Corp. v. Smith, \_\_ F.3d \_\_ (6<sup>th</sup> Cir. Nov. 14, 2007) (finding "no objectively reasonable basis" to remove state mortgage foreclosure action to federal court, where neither diversity nor federal question jurisdiction existed).

Accordingly, IT IS HEREBY ORDERED that Defendant's November 2, 2007 motion to vacate order is DENIED.

s/John Corbett O'Meara  
United States District Judge

Date: November 28, 2007

I hereby certify that a copy of the foregoing document was served upon the parties of record on this date, November 28, 2007, by electronic and/or ordinary mail.

s/William Barkholz  
Case Manager